

CALFRESH REQUEST FOR POLICY INTERPRETATION**PI# 18-10**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input checked="" type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 01/12/2018	NEED RESPONSE BY: 01/12/2018
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Santa Clara County	
3. PHONE NO.:	EMAIL:	7. SUBJECT: EARNED INCOME REPORTED LATE AT SAR7	
4. REGULATION CITE(S): income reported		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

AT JULY SAR7 SUBMITTED ON 8/22, CLIENT CONTINUED TO WORK BABYSITTING JOB. CLIENT PROVIDED A HANDWRITTEN VERIFICATION, SHE WAS PAID \$600/MONTH. ON SAR7 CLIENT DID NOT REPORT HER 2nd JOB WITH SEES CANDIES. CWD HAS BEEN COUNTING BABYSIT JOB \$300/MTH INCOME IN CALFRESH BUDGET FROM PREVIOUS SAR CYCLE. SINCE CLIENT TURNED IN THE JULY SAR7 LATE ON 8/22, EW PROCESSED IT ON 8/22, WORKER DID NOT HAVE ENOUGH TIME TO ISSUE OUT 10 DAYS NOTICE OF ACTION TO REDUCE HER BENEFIT, SO WORKER COUNTED SAME INCOME \$300/MONTH, ISSUED OUT \$194 OF CALFRESH. EW WAS CORRECT TO ISSUE OUT THE SAME AMOUNT AND NOT REDUCE CF BENEFIT WITHOUT 10 DAYS NOA. EW THEN CREATED AN OVERISSUANCE OF \$29 FOR SEPT BECAUSE HER INCOME HAS NOW INCREASED TO \$600/MONTH.

10. REQUESTOR'S PROPOSED ANSWER:

Client earned \$800 income from babysitting job in my review month+ \$116.88 (Sees Candies) = \$916.88 gross total.

CLIENT SUBMITTED JULY SAR7 REPORT LATE ON 8/22, CWD DID NOT ENOUGH 10 DAYS TO ISSUE NOTICE OF ACTION TO REDUCE HER BENEFIT. THEREFORE, CWD ISSUED OUT THE SAME CALFRESH OF \$194. BECAUSE SEES CANDIES INCOME WAS FLUCTUATED AND NOT REGULAR WORKING HOURS, QC DO AN AVERAGE OF 3 MONTHS PRIOR TO THE REVIEW MONTH $51.85 + 49.78 + 48.8 + 48.8 = 199.13$ DIVIDED BY 3 = COUNT AS GROSS INCOME \$66.41/MONTH FROM SEE'S CANDIES. ON JULY SAR7 REPORT SUBMITTED ON 8/22, CLIENT PROVIDED EMPLOYER STATEMENT FROM BABYSIT \$600 (BABYSIT JOB) + \$66.41 (SEE'S CANDIES JOB) = \$666.41/MONTH TOTAL GROSS.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Based on the above, the question is whether QC should average fluctuated income received from See's Candies in Comparison I and Comparison II. HH failed to report on the SAR 7 income from See's Candies.

The FNS 310, Section 1013.4 states that the QC reviewer is required to use the applicable conversion method adopted by the State agency. ACL 12-25, page 30 states that in situations where the recipient expects a change or has fluctuating income, the CWD must work with the recipient to determine what income, if any, can be reasonably anticipated for the upcoming semi-annual period. HHs which, by contract or self-employment, derive their annual income in a period of time shorter than one year shall have that income averaged over a 12- month period or over the time period it is intended to cover. (NEXT PAGE)

FOR CDSS USE

DATE RECEIVED:

2/05/2018

DATE RESPONDED TO COUNTY/ALJ:

3/

CALFRESH REQUEST FOR POLICY INTERPRETATION (Continued)**PI#18-10**

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST:	NEED RESPONSE BY:
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In this scenario, the income received from Sees Candies does not represent annualized income; therefore, Comparison I, would be based on the income received in the sample month. Comparison II would be based on the income the HH anticipated for the semi-annual period. Since the HH failed to report on the SAR 7 income from See's Candies, during the QC interview, QC was required to clarify with the HH what income would've been anticipated at the time of the SAR 7 report. QC may view pay-stubs received after the data month to confirm HH's statement and to support findings. Since the income fluctuates, QC cannot make a determination without consulting with the HH as ACL 12-25 states that past income shall not be used as an indicator of anticipated income if changes to the income have occurred or can be anticipated.